

UNITED STATES DISTRICT COURT

for the
Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 27, 2022

SEAN F. McAVOY, CLERK

WESTERN MAGNESIUM CORPORATION,

Plaintiff

v.

Civil Action No. 2:22-CV-0108-TOR

JAMES SEVER,

Defendant

JUDGMENT IN A CIVIL ACTION

The court has ordered that *(check one)*:

☐ the plaintiff *(name)* _____ recover from the
defendant *(name)* _____ the amount of
_____ dollars (\$ _____), which includes prejudgment
interest at the rate of _____ %, plus post judgment interest at the rate of _____ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* _____
_____ recover costs from the plaintiff *(name)* _____.

☒ other: Defendant's Motion to Dismiss Under Doctrine of Forum Non Conveniens (ECF No. 16) is GRANTED. The Court DISMISSES this case without prejudice, subject to the condition that Defendant waive the statute of limitations defense and stipulate to amending counterclaims in the pending British Columbia action, if Plaintiff so chooses. Defendant's Fed. R. Civ. P. 12(b)(6) Motion to Dismiss (ECF No. 14) is DENIED as moot.

This action was *(check one)*:

☐ tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.

☐ tried by Judge _____ without a jury and the above decision was reached.

☒ decided by Judge THOMAS O. RICE _____

on Defendant's Motion to Dismiss Under Doctrine of Forum Non Conveniens (ECF No. 16).

Date: September 27, 2022

CLERK OF COURT

SEAN F. McAVOY

s/ B. Fortenberry

(By) Deputy Clerk

B. Fortenberry